

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Elijah Silver

Docket No. 4:06-CR-57-1D

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Elijah Silver, who, upon an earlier plea of guilty to Distribution of More Than 5 Grams of Cocaine Base (Crack), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on June 5, 2007, to the custody of the Bureau of Prisons for a term of 138 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Elijah Silver was released from custody on July 15, 2016, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 23, 2001, in Nash County, North Carolina, the defendant was convicted of Indecent Liberties With a Child (00CRS7068). Therefore, on August 11, 2016, in order to comply with the National Sex Offender Policy and the North Carolina Eastern Sex Offender Policy, which directs that every sex offender, whether instant or historical, obtain a sex offender assessment, this probation officer presented the defendant with a Waiver of Hearing form to sign, by which he would agree to a proposed modification of supervision. However, Silver declined to sign the Waiver, and instead, requested a hearing before the court.

PRAYING THAT THE COURT WILL ORDER that a hearing be scheduled to address this issue with the court. At the hearing, the probation office will recommend that the terms and conditions of supervision be modified to include the sex offender assessment condition and other sex offender-related conditions that may be appropriate in this case.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.


/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8686
Executed On: August 15, 2016

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ORDER OF THE COURT

Considered and ordered this 30 day of August, 2016. The Clerk's Office shall schedule a hearing before this court to address a possible modification of supervision.



James C. Dever III
Chief U.S. District Judge